

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FIRST AMENDED COMPLAINT

INTRODUCTION

1. This is an action for the production of public records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.
2. In February 2019, the Director and Deputy Director of U.S. Immigration and Customs Enforcement (“ICE”) addressed a conference of the National Sheriffs’ Association on subjects that included immigration policy. The ACLU of Massachusetts (“ACLU”) is seeking records concerning those speeches, including any prepared remarks, notes, talking points, and outlines, and also including any accompanying slides, PowerPoint presentations, and handouts.
3. Production of these records is important to assist the public in understanding the guidance provided by ICE to state and local law enforcement. Among other things, this suit seeks an order requiring ICE to search for and produce the requested records.

PARTIES

4. The American Civil Liberties Union of Massachusetts, Inc. is a Massachusetts non-profit corporation with its principal place of business in Boston, Massachusetts. ACLUM's mission is to protect, and to educate the public about, civil rights and civil liberties. ACLUM is committed to principles of transparency and accountability in government. Obtaining information about government activity, analyzing that information, and widely publishing and disseminating it to the press and the public is a critical and substantial component of the ACLUM's work and one of its primary activities.

5. U.S. Immigration and Customs Enforcement is an organization within the U.S. Department of Homeland Security.

JURISDICTION AND VENUE

6. This Court has jurisdiction pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

7. Venue lies in the District of Massachusetts pursuant to 5 U.S.C. § 552(a)(4)(B), including because it is the district in which ACLUM has its principal place of business.

FACTS

8. In February 2019, Ronald Vitiello was the Acting Director of ICE, and Matthew Albence was ICE's Executive Associate Director for Enforcement and Removal Operations and Senior Official Performing the Duties of Deputy Director. Mr. Vitiello has since resigned, and Mr. Albence has since assumed the duties of Acting Director.

9. On or about February 10, 2019, Mr. Albence delivered an address entitled "Immigration Updates" to the Legal Affairs Committee at the 2019 Winter Legislative and Technology Conference of the National Sheriffs' Association (the "Albence Address"). *See Ex. A* (conference agenda and photo appended to FOIA request).

10. On or about February 11, 2019, Mr. Vitiello delivered an address to the Immigration and Border Security Committee at the 2019 Winter Legislative and Technology Conference of the National Sheriffs' Association (the "Vitiello Address"). *See* Ex. B (redacted talking points).

11. The existence of the Albence Address was publicly disclosed through, among other things, a photograph distributed on Twitter by the Bristol County Sheriff's Office in Massachusetts.

12. On February 22, 2019, ACLUM submitted a FOIA request to ICE by electronic mail (the "February Request"). *See* Ex. A (Request, exhibits, and transmittal email). Among other things, the February Request sought any audio and/or visual recordings of the Albence Address as well as any records containing some or all of the Address (such as prepared remarks, notes, talking points, and outlines) and any accompanying slides, PowerPoint presentations, and handouts. *See* Ex. A.

13. Exhibit A to this Complaint is a true and accurate copy of the February Request and the email transmitting it.

14. On March 15, 2019, ICE sent an email invoking a 10-day extension to respond to the February Request pursuant to 5 U.S.C. § 552(a)(6)(B). *See* Ex. C.

15. By April 10, 2019, ICE had not provided any other response to the February Request, nor had it produced any of the requested records.

16. On April 10, 2019, ACLUM filed this action seeking, among other things, the production of records responsive to the February Request.

17. On April 16, 2019, ICE produced certain records to ACLUM, most of which are heavily redacted. The records do not appear to contain any prepared remarks, notes, talking points, or outlines concerning the Albence Address, nor any slides, PowerPoint presentations, or

handouts that accompanied the Albence Address. The unredacted portions of the records allude to the existence of the Vitiello Address, but do not disclose its substance nor any accompanying slides or materials.

18. On May 16, 2019, ACLUM submitted a FOIA request to ICE by electronic mail (the “May Request”). *See* Ex. D (May Request and transmittal email). Among other things, the May Request sought any audio and/or visual recordings of the address as well as any records containing some or all of the Vitiello Address (such as prepared remarks, notes, talking points, and outlines) and any accompanying slides, powerpoint presentations, and handouts. *See* Ex. D.

19. Exhibit D to this Complaint is a true and accurate copy of the May Request and the email transmitting it.

20. ICE has not provided any response to the May Request.

CLAIM FOR RELIEF

Violation of FOIA 5 U.S.C. § 552

21. The foregoing allegations are re-alleged and incorporated herein.

22. Defendant has failed to make reasonable efforts to search for records sought by the February and May Requests.

23. Defendant has failed to produce records responsive to the February and May Requests.

24. ACLUM has exhausted administrative remedies to the extent required by law.

PRAAYER FOR RELIEF

Wherefore, Plaintiff asks this Court to GRANT the following relief:

1. Order that ICE shall produce all requested records;

2. Enjoin ICE from charging ACLUM search, review, or duplication fees for processing the February and May Requests;
3. Award ACLUM costs and reasonable attorney fees in the action; and
4. Grant such other relief as the Court may deem just and proper.

July 25, 2019

Respectfully Submitted,

/s/ Jessica J. Lewis

Matthew R. Segal (BBO #654489)
Daniel L. McFadden (BBO #676612)
Jessica J. Lewis (BBO #704229)
American Civil Liberties Union
Foundation of Massachusetts, Inc.
211 Congress Street
Boston, MA 02110
(617) 482-3170
msegal@aclum.org
dmcfadden@aclum.org
jlewis@aclum.org

Certificate of Service

I hereby certify that the foregoing document was served on all registered participants through the Court's CM/ECF system.

Date: July 25, 2019

/s/ *Jessica J. Lewis*
Jessica J. Lewis

EXHIBIT A

Daniel McFadden

From: Daniel McFadden
Sent: Friday, February 22, 2019 4:25 PM
To: 'ice-foia@dhs.gov'
Cc: Matthew Segal
Subject: FOIA Request
Attachments: FOIA Request to ICE.pdf

To whom it may concern,

Please see the enclosed FOIA request.

Regards,
Dan McFadden

Dan McFadden

Pronouns: he, him, his

Staff Attorney
American Civil Liberties Union Foundation of Massachusetts
211 Congress Street, Boston, MA 02110
617.482.3170 x171 | dmcfadden@aclum.org
aclum.org





Massachusetts

Daniel L. McFadden
Staff Attorney
(617) 482-3170 ext. 171
dmcfadden@aclum.org

February 22, 2019

Via Electronic Mail

Freedom of Information Act Office
U.S. Immigration and Customs Enforcement
500 12th Street, SW, Stop 5009
Washington, D.C. 20536-5009
ice-foia@dhs.gov

Re: FOIA Request

To whom it may concern:

This letter constitutes a request pursuant to the Freedom of Information Act (the “FOIA”), 5 U.S.C. § 552. The Request is submitted on behalf of the American Civil Liberties Union of Massachusetts (the “ACLUM”).

On or about February 10, 2019, U.S. Immigration and Customs Enforcement (“ICE”) Senior Official Performing the Duties of the Deputy Director Matthew T. Albence delivered an address to participants in the National Sheriffs’ Association conference in Washington, D.C. (the “Address”). *See* Ex. A (screenshot from Twitter account of Bristol County Sheriff’s Office). The topic of the Address was reportedly “Immigration Updates.” Ex. B. (conference agenda).

ACLUM requests the following records:

1. Records containing some or all of the Address, including without limitation any prepared remarks, notes, and outlines, and any drafts thereof.
2. Any slides, powerpoint presentations, and handouts presented or provided in connection with the Address, and any drafts thereof.
3. Any audio and/or visual recordings of the Address.
4. Correspondence, including email correspondence, between or among ICE personnel (including Mr. Albence and his staff) and representatives of the

Freedom of Information Act Office
February 22, 2019

National Sheriff's Association concerning the planning, delivery, and/or content of the Address.

5. Correspondence, including email correspondence, between or among ICE personnel (including Mr. Albence and his staff) and any employees or officers of the Commonwealth of Massachusetts (including any Massachusetts Sheriff and/or the employees of any Massachusetts Sheriff's Department) concerning the planning, delivery, and/or content of the Address.

If this request is denied in whole or part, we ask that you justify all deletions by reference to specific exemptions of the FOIA. Please release all segregable portions of otherwise exempt material.

We request a fee waiver. ACLUM is a not-for-profit, non-partisan organization dedicated to the principles of liberty and equality. As the Massachusetts affiliate of the national ACLU, a not-for-profit, non-partisan organization, ACLUM distributes information both within and outside of Massachusetts. Gathering and disseminating current information to the public is a critical and substantial component of ACLUM's mission and work. ACLUM publishes newsletters, news briefings, reports and other printed materials that are disseminated to the public. These materials are widely available to everyone, including tax-exempt organizations, not-for-profit groups, law students and faculty, at no cost. ACLUM also disseminates information through its website¹ and regular posts on social media sites such as Facebook and Twitter. Accordingly, ACLUM is a representative of the news media. *See 5 U.S.C. § 552(a)(4)(A)(ii)(II); Nat's Security Archive v. Dep't of Defense*, 880 F.2d 1381, 1387 (D.C. Cir 1989).

In addition, ACLUM is entitled to a waiver or reduction of fees because disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, and disclosure of the information is not primarily in the commercial interest of the requester. *See 5 U.S.C. § 552(a)(4)(A)(iii)*. The public is keenly interested in understanding the scope, nature, cost, and efficacy of ICE's immigration policies and operations, which have been widely publicized, including frequently by the President himself.

We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees. Please provide documents in digital form wherever possible.

We look forward to your reply to this request within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(i).

Thank you for your prompt attention to this matter.

¹ www.aclum.org

Sincerely,

/s/ Daniel L. McFadden

Daniel L. McFadden

EXHIBIT A



Tweet



Bristol County Sheriff's Office

@BCSO1



@ICEgov Deputy Director addressing legal affairs seminar on immigration at @NationalSheriff conference Sunday morning.



10:09 AM · Feb 10, 2019 · Twitter for iPhone

EXHIBIT B

NATIONAL SHERIFFS' ASSOCIATION

2019 Winter Legislative & Technology Conference

*“A National Perspective & Dialogue
On Crime and Justice”*

J. W. Marriott Hotel
1331 Pennsylvania Ave., NW
Washington, DC 20004
(202) 393-2000
(202) 626-6991 (Fax)

February 9-12, 2019

Friday, February 8

12:00 Noon - 4:00pm

Conference Registration

Room: Capitol Registration B (B Level)

3:30pm - 5:30pm

NSA Executive Committee Meeting

Room: Treasury (Meetings Level)

Saturday, February 9

8:00am - 4:00pm

Conference Registration

Room: Capitol Registration B (B Level)

8:00am - 9:00pm

Committee of Past Presidents Breakfast Meeting *TENTATIVE*

Room: Longworth Room (M Level)

8:00am - 9:00am

Breakfast (all Attendees)

Room: Capitol Ballroom, Salons D/E (B Level)

Seminar – Financial Threats to Law Enforcement & Public Safety:

Protecting Your Retirement from Surprise Risk

Seminar Sponsored by AFLAC

Description: Law enforcement and public safety specialists spend their entire career (20+ years on average) putting their life and health on the line for others. Consequently, your risk for injuries, chronic wear and tear to your body, and critical illnesses increase drastically during your career years. The risk is even greater as you approach, enter, and try to enjoy retirement. Just one catastrophic health event will jeopardize your current income and family financial well-being. More importantly, it can absolutely threaten your retirement income that you've been working so many years to build.

Consider:

- Penalties and interest for early withdrawal;
- How will you replace what's been depleted?
- Will there be enough time to rebuild?

We will address these concerns and more, so you are prepared for the now, and help protect the future.

Presenter: Dawnn M. Johnson

Room: Justice (M Level)

9:00am - 11:00am

Awards & Ferris E. Lucas Award Workgroup

Room: Dirksen Room (M Level)

9.00am – 11.00am

Court Security and Civil Process Committee

Room: Capitol Ballroom, Salon G (B Level)

9:00am – 11:00am

Domestic Violence and Crime Victim Services Committee

Room: Capitol Ballroom, Salon F (B Level)

9.00am - 5:00pm

IADLEST Meeting

Room: State (M Level)

10:15am - 11:45am

Seminar – Using Open Data and Emerging Technology to Help Law Enforcement Map Fentanyl Supply Chains

Description: C4ADS is a DC based non-profit that conducts data driven analysis into illicit networks around the globe including on topics as diverse as human trafficking, weapons trafficking, and North Korean sanctions evasion. Our team of analysts speaks more than 16 languages, has experience living in countries around the world, and uses emerging technologies to research issues of corruption, crime, and conflict.

Our website is available at c4ads.org. Recent research has begun to target illicit networks producing and moving fentanyl into the United States, primarily from China and Mexico. C4ADS seeks to apply the same investigative tools and methodologies used to track North Korean sanctions evasion to fentanyl traffic fueling the opioid crisis in the United States. Using a data driven approach C4ADS analysis highlights the pathways and trends involved in trafficking of fentanyl, typologies on its movement, and most importantly the specific networks and individuals responsible—all using open source, judicially admissible official documentation. By comprehensively mapping the supply chain of fentanyl, C4ADS is seeking to leverage its insight to produce tangible impact on the opioid crisis by providing data to those who can best use it to take action. C4ADS seeks to present initial findings to law enforcement professionals while research is still in its initial stages. This will help us refine our methodology, identify best practices, and understand how our research can best help sheriffs as they combat opioid trafficking.

Presenters: David Thompson, Analyst, & Michael Lohmuller Senior Aviation Analyst C4ADS,

Room: Justice (M Level)

11:30am - 1:30pm

National Service Associates, Inc. Board of Directors (NSA Inc.)

Room: Longworth Room (M Level)

12:00pm - 1.00pm

Buffet Lunch (all Attendees)

Room: Capitol Ballroom, Salon D/E/F (B Level)

12:00pm - 5:00pm

Exhibits Set-up

Room: Grand Ballroom (B Level)

1:00pm - 2:00pm

Seminar – Nlets - The International Justice and Public Safety Network

Description: Sheriffs use Nlets all day and every day. Billions of transactions are conducted over the network.

Learn more about everything from criminal histories to ICE LENS notifications to photo queries and hundreds more data sources that you and your staff may not know they have access to. Critical resources they need in the field. Nlets connects 800,000 devices, 1 million users and 45,000 agencies nationally and internationally. Nlets is owned by you! We are governed by the States as a 501c3 corporation. Nlets works with you and industry to keep your officers and citizens safe. Nlets uses state of the art technology and can host your agency's data. We only use about 10% of our available bandwidth so there is so much more we can do with you and for you. This is a must attend session.

Presenters: Scott Edson, Executive Director, LA-RICS, & Bonnie Locke, Director, NLETS

Room: Justice (M Level)

1:00pm - 3:00pm

Education and Awards Committee

Room: Capitol Ballroom, Salon G (B Level)

2:15pm - 3:15pm

Seminar – Controlling the Narrative: Law Enforcement Use of Social Media

Description: A 2018 Pew report noted that almost 70% of adult Americans use Facebook, with many using it as their main source of news and information. If law enforcement agencies are not active on social media platforms (Facebook, Twitter, LinkedIn, Instagram, etc.), they run the risk of allowing their stories and their news to be reported prematurely or inaccurately. This seminar is geared toward giving law enforcement executives reasons why they should be active and engaged on social media, as well as strategies and tips in doing so. Areas of discussion include: reporting LODDs, crisis communications, the investigative possibilities, and community relations, among others.

Presenter: Chelsea Rider, Content Strategist, National Sheriffs' Association

Room: Justice (M Level)

2.30pm – 4.30pm

Detention & Corrections Committee

Room: Capitol Ballroom, Salon F (B Level)

3:15pm - 5:15pm

School Safety and Security Committee

Room: Capitol Ballroom, Salon G (B Level)

3:30pm - 5:00pm

Seminar – Current Trends in Identity Document Fraud

Description: This seminar will provide an overview of current trends in identity document fraud from the perspective of the DHS ICE HSI Forensic Laboratory. It will discuss high-quality counterfeit U.S. driver's licenses shipped into the United States from Asia, domestic production of counterfeit U.S. permanent residence cards, and foreign documents used in support of financial crimes. The seminar will provide information on how officers can identify

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suspect documents in the field and demonstrate how they are proven fraudulent in crime laboratory analysis.
Seminar participants will have an opportunity to review examples of the types of fraudulent documents discussed in the presentation.

Presenters: Carl Lichvarcik, Section Chief, & Jim Ross, Forensic Document Examiner, DHS ICE HIS Forensic Laboratory,
Room: Justice (M Level)

4:30 pm – 6:00pm

Law Enforcement SupplyPro Reception

Room: Capitol Ballroom D/E (B Level)

Sunday, February 10

7:00am - 9:00am

Exhibits Set-up

Room: Grand Ballroom (B Level)

8:00am - 4:00pm

Conference Registration

Room: Capitol Registration B (B Level)

8:00am - 9:00am

Buffet Breakfast (all Attendees & Exhibitors)

Room: Capitol Ballroom, Salon D/E/F (B Level)

9:00am - 10:00am

Seminar – Avoiding the Litigation Storm: The How's and What's of Forecasting Suicide Risk at Intake

Seminar Sponsored by Falcon, Inc.

Description: This course examines the latest best practices in inmate suicide screenings and assessments, providing guidance to Counties in advancing their intake mental health screening practices, as well as, educating them on best practice suicide risk assessment forms. This course will strengthen the audience's ability to identify high-risk and suicidal inmates, thoroughly examining best practices in the areas of: assessment/ screening tool relevance, reliability, and validity; risk factors; protective factors; formulation; decision making and action planning. Case conceptualizations are provided, tracking suicidal inmates' movements through the system from intake, to classification, crisis watch, release from watch, to housing. Various cases are studied demonstrating the efficacy of best practice tools vs. standard, conventional tools.

Presenters: Dr. Elizabeth Falcon and Dr. Babatunde Okuleye, Falcon, Inc.

Room: Justice (M Level)

9:00am - 11:00am

Conference Working Group

Room: Treasury (M Level)

9:00am - 12:00pm

National Coalition on Violence Against Animals (NCOVAA) Board & Workgroup

Room: Russell (M Level)

9:00 am– 3:00pm

Exhibits Open

Room: Grand Ballroom (B Level)

9:00 am - 4:00pm

Legal Affairs Committee

Room: Congressional (L Level)

9:00am - 9:50am

Garrity and Gardner

Speakers: Kathryn Schroeder, Esq. and Rick Hodsdon, Esq., General Counsel

Minnesota Sheriffs' Association

10:00am - 10:50am

Immigration Updates

Speaker: Matthew Albence, Deputy Director , U.S. Immigration & Customs Enforcement

11:00am -11:50am

K9s from Sniffs to Bites and the Legal Issues Surrounding Them

Speaker: Robert P. Faigin, Esq., Director of Legal Affairs/Chief Attorney, San Diego County Sheriff's Department

12:00pm - 1:00pm

Lunch

1:00pm - 1:50pm

Legal Updates in Today's Jails

Speaker: Carrie Hill, Esq., Director of Jail Operations, National Sheriffs' Association

2:00pm - 2:50pm

U.S. Department of Justice Supporting Law Enforcement.

Speaker: Steven H. Cook, Associate Deputy Attorney General, Director of the Office of Law Enforcement Affairs

3:00pm - 3:50pm

Legal Affairs Committee Meeting

Chair: Sheriff Greg Champagne, Sheriff, St. Charles Parish, Louisiana

9:00am - 5:00pm

IADLEST Meeting

Room: State (M Level)

9.00am - 5:00pm

Department of Homeland Security Leadership Academy (DHSLA)

Certification

(Must sign up in advance, see registration form)

Description: This training is for state, local and tribal law enforcement executives and command leadership (not Sheriffs) seeking to get their certification in Homeland Security who are either alumni of, or anticipate attending the two week Department of Homeland Security Leadership Academy (DHSLA), conducted in partnership with the Department of Homeland Security, Federal Law Enforcement Training Centers (FLETC), in Glynco, Georgia. HSLA tuition and travel is fully funded by FLETC and attendees are selected via collaboration between FLETC and NSA.

Room: Cannon (M Level)

9:30 am- 11:30am

Spouses Lounge

Room: Presidential Suite (Room 1231)

Seminar – Cyber Basics and Resources for Law Enforcement Executives

Description: Cyber can pose a threat to a Sheriff's Office, business or government agency. It can also be a crime, used for intelligence, and build community relations. Learn the cyber basics that every law enforcement executive needs to know, and the resources that are available that can assist you in protecting your Office, your community, and enhance your Office's capabilities.

Presenter: Bray Barnes, National Sheriffs' Association, Global Center for Public Safety Institute for Cybersecurity

Room: Justice (M Level)

10:00am - 12:00noon

Outreach Committee

Room: Capitol Ballroom, Salon G (B Level)

10:00 AM - 12:00noon

Drug Enforcement Committee

Room: Longworth (M Level)

11:30am - 1:30pm

GSHNSP (Global Society for Homeland & National Security Professionals)

Luncheon (*Invitation only*)

Room: Dirksen (M Level)

12:00noon - 1:00pm

Buffet Lunch (all Attendees & Exhibitors)

Room: Capitol Ballroom, Salon D/E/F (B Level)

1:00pm - 2:00pm

Seminar – Motivations to Serve: Who Volunteers in Policing and Why

Description: Drawing on information from a national survey of volunteer police in sheriffs' offices in the USA and two national surveys completed in the UK, this presentation identifies the types of individuals who volunteer to serve as volunteer police officers within their communities, and why they perform in these roles. It also provides a demographic picture of police and sheriff office volunteers, (including gender, race, and employment, and certifications external to their policing role), their rationale for volunteering, and the skills that they bring to their voluntary roles. Recent data shows that, in the UK, the numbers of Special Constables are falling and a similar situation may be affecting volunteer police in the US. The presentation will examine these challenges, alongside dimensions of diversity of police volunteers, and of engagement of police volunteering across communities, and provide an opportunity for discussion.

Presenter: Dr. Ross Wolf, Associate Dean, University of Central Florida

Room: Justice (M Level)

1:00pm – 3.00pm

Animal Cruelty and Abuse Committee

Room: Commerce (M Level)

1:00pm – 3.00pm

Youth and Juvenile Justice Committee

Room: Treasury (M Level)

1:00pm - 4:00pm

Emerging Technology and CJIS Committee

Room: Longworth (M Level)

1:00pm - 4:00pm

Governmental Affairs Committee

2:15pm – 3:15pm

Seminar - Best Practices for Working with Immigrant Crime Victims

Description: This workshop will provide law enforcement with an overview of language access requirements under Title VI. We will also provide concrete examples of the steps law enforcement agencies can take to improve language access in response to limited English proficient victims. Participants will discuss key elements of language access plans and learn from faculty and fellow participants about steps being taken in agencies across the country to improve language access for immigrant victims of domestic and sexual violence. The workshop will include discussions through case studies of the impact that lack of language access has on criminal investigations, successful prosecutions and brief overview of access to legal protections for immigrant victims.

Presenters: Rocio Molina, Mike LaRiviere

Room: Justice (M Level)

3:30pm - 5:00pm

Seminar – The Critical Role of Mentoring in Recruiting African-American Law Enforcement Officers: Findings from a 5-University Study

Description: The challenge of personnel recruiting persists among law enforcement agencies of varying size, region, and jurisdictional character. This challenge is particularly acute with respect to potential African-American applicants who may face a host of specific community forces which dissuade them from wanting to be law enforcement officers. In this presentation, data from a survey of five major university criminal justice programs about the barriers to entry for African-American applicants illustrates potential promising practices agencies can use to reach potential recruits from African-American communities, namely the role of the recruiter as mentor.

Findings from the study and application to workforce management strategies are discussed.

Presenter: Charlie Scheer, Assistant Professor, The University of Southern Mississippi

Room: Justice (M Level)

4:00pm - 5:00pm

Pegasus Group

Room: Commerce (M Level)

4:30pm - 5:30pm

Congressional Briefing

Room: Dirksen (M Level)

6:00 pm

President's Welcome Reception/Kentucky Derby Party

Room: Capitol Ballroom (B Level)

Monday, February 11

7:30am - 4:00pm

Conference Registration

Room: Capitol Registration B (B Level)

7:00am - 8:00am

Buffet Breakfast (all Attendees & Exhibitors)

Room: Capitol Ballroom, Salon D/E/F (B Level)

8:00am - 9:00am

Seminar – Enhancing Organizational Ethics and Leadership to deter Corruption and Serious Misconduct

Description: In simplest terms, police deviance can be defined as disregarding agency policy, rules and regulations, societal expectations, and/or criminal law. The author poses a new typology consisting of five basic

types of police deviance: 1) Police Corruption, 2) Police Criminality, 3) Excessive Use of Force, 4) Abuse of Authority and 5) Police Misconduct. The different categories of police deviance as it relates to the experiences within the NYPD, the LAPD and other American metropolitan police agencies over the last 50 years will be comprehensively outlined and analyzed in an attempt to determine if an evaluation of police misconduct through sociological perspectives would prove to be useful in formulating practical policy recommendations to deter corruption, criminal behavior, and serious abuses, and to enhance leadership and integrity within law enforcement agencies. Policy implications include enhanced pre-employment screening criteria, leadership training and supervisory deployment strategies, and other mechanisms proven to enhance organizational professional standards and overall effectiveness.

Presenters: James F. Albrecht, Police Chief (ret.) / Professor, New York City Police Department, & Hakan S. Can, Police Chief (ret.)/Professor, Turkish National Police

Room: Justice (M Level)

8:00am – 12:00pm

IADLEST Meeting

Room: State (M Level)

8:00am – 12:00pm

Exhibits Open

Room: Grand Ballroom (B Level)

8:00 AM – 12:00 PM

NIBRS Transition Task Force Meeting

Room: Congressional (L Level)

8:00am - 3:00pm

Committee of State Sheriffs' Associations

Room: Capitol Ballroom, Salon G (B Level)

8:00am – 10:00am

National Tactical Officers Association (NTOA) Seminar – Legal Updates; Use of Force

Description: The recent push among some influential individuals and organizations to modify law enforcement use of force standards has initiated much conversation and debate about the need and the ramifications of such changes. How would the changing of words in a statute affect the realities of force in a patrol or correctional setting? What challenges might arise for officers and deputies if legal standards are modified and what would the impact be on agencies? This and other current legal topics will be presented by two of the premier law enforcement/corrections defense attorneys in the United States.

Presenters: Eric Daigle, Esq. Legal Section Chair, NTOA, Carrie Hill, Esq, Director, National Center for Jail Operations, NSA

Room: Senate (L Level)

9:00 am - 11:00 am

Immigration Committee

Room: Penn Avenue Terrace (L Level)

9:15am - 10:15am

Seminar – What The Collaborative Reform Initiative Technical Assistance Center Can Do For Your Sheriffs Office

Description: The Collaborative Reform Initiative Technical Assistance Center (CRI-TAC), a partnership between the COPS Office, the IACP and 8 partner organizations, provides customized training and technical assistance at no cost to Sheriff's Offices. Advance the practice of community policing with our resource referral, web-based training, in-person training, virtual mentoring, meeting facilitation, or on-site consultation; all delivered by a cadre of subject matter experts. Join this discussion of lessons learned from the field and hear how you can request assistance from the CRI-TAC.

Presenter: Hillary Burgess, Project Manager, Programs, & Becky Stickley, Program Manager, Programs,

10:00am – 12:00pm

NTOA Seminar-Law Enforcement Response to Suicidal Subjects: Legal Realities and Options

Description: This course is designed to educate police personnel on the legalities and challenges faced when responding to suicidal subjects. Unique perspectives are provided in order to provoke discussion within agencies to have a true understanding of the relevant Constitutional requirements. Case law examples are provided as talking points to assist in guiding policy and response decision-making. In addition, model programs from throughout the United States are presented as potential options for agencies to consider.

Presenters: Thor Eells, Executive Director, NTOA; Don Kester, Director of Training and Education, NTOA
Room: Senate (L Level)

10:30am - 12:00noon

Seminar - Maintaining Order While Supporting Recovery: Blueprints for a High-Performing and Trauma-Informed Jail

Description: This course examines the physical and psychological trauma inherent in jail settings, which impacts both inmates and staff alike. Understanding the causes and impacts of trauma, and becoming trauma-informed in our jails, is not only critical in the effective management and treatment of inmates but also creating resilience in the facility workforce. Inmates are confronted with daily traumatic events that positively correlates with arrests; increases risks of recidivism; exacerbates PTSD symptomology; and facilitates re-traumatization. Officers and deputies are confronted with daily challenges in the form of dangerous inmates, staffing problems, mandatory overtime, outside scrutiny, and many other toxic stressors that can make their work overwhelming. This interactive workshop educates attendees on these toxic stressors, focusing on: 1) consciously creating, recognizing, understanding and minimizing inmates and staff exposure to traumatic events; 2) understanding the prevalence of trauma, recognizing how trauma affects individuals in the system, putting this knowledge into practice and utilizing all staff (security, healthcare, mental- health) to deliver trauma-informed care; 3) Understanding the differences between Trauma-Informed Service and Trauma-Specific Treatment; 4) the importance of self-care, wellness programs and activities.

Presenters: Dr. Robin Timme and Dr. David Stephens
Room: Justice (M Level)

12:00pm - 1:00pm

Buffet Lunch (all Attendees & Exhibitors)

Room: Capitol Ballroom, Salon D/E/F (B Level)

12:00pm – 4:00pm

NTOA Seminar-MAGNNUS Pi²: Turbocharging Star Performance Leadership

Description: This workshop introduces MAGNNUS Pi² as a theoretical and practical counter VUCA imperative to maximize deputies and officers' star performance leadership for enhanced resiliency and outcomes. Building on Colonel Boyd's OODA Loop and Reversal Theory, the workshop provides a set of comprehensive *Situational, Cognitive and Emotional* dominance tools to activate *positive brain and deep emotional intelligence*

12/21/2018 leading to

Results with Confidence. The speakers have over 90 years of combined experience teaching and implementing the imperatives offered in the course to all facets of law enforcement including corrections, patrol and special operations. The course is highly recommended for personnel of all ranks.

Presenters: Thor Eells, Executive Director, NTOA; Don Kester, Director of Training, NTOA
Room: Senate (L Level)

1:00pm - 2:00pm

Seminar - Medication-Assisted Treatment (MAT) in Today's Jails

Description:

Presenter: Dr. Brent Gibson (NCCHC); Carrie Hill (NSA)
Room: Justice (M Level)

1:00pm - 3:00pm

Traffic Safety Committee

Room: Treasury (M Level)

2:15pm - 3:15pm

Seminar

Seminar Sponsored by Alkermes

Description:

Presenters:

Room: Justice (M Level)

2:00pm - 5:00pm

Homeland Security Committee

Room: Grand Ballroom Salons III/IV (B Level)

3:00pm - 5:00pm

Constitution and Bylaws Committee

Room: Commerce (M Level)

3:30pm - 5:00pm

Seminar – Operating an Unmanned Aircraft in the National Airspace System

Description: Representatives from the Federal Aviation Administration's unmanned aircraft Integration office in Washington DC will present an presentation on how a public safety agency can legally operate Unmanned Aircraft Systems (UASs) in the National Airspace System (NAS) as well as a presentation by the FAA's Law Enforcement Assistance Program (LEAP) on the legal authority of public safety in responding to UA operations by the general public and Media outlets.

Presenters: Michael O'Shea, UAS Integration Office Program Manager, Federal Aviation Administration, & Steven Pansky, Senior Aviation Analyst, SAIC/FAA

Room: Justice (M Level)

5:00pm - 6:00pm

Plenary Session

Speaker: TBD

Staff Liaison: Mirmelstein, Schmidt

Room: Grand Ballroom, Salon s I/II (B Level)

Tuesday, February 12

8:00am - 4:00pm

Conference Registration

Room: Capitol Registration B (B Level)

8:00am - 4:00pm

Homeland Security Training & Certification – (By invitation only)

Room: Congressional

9:30am - 4:00pm

NSA Executive Committee, Board of Directors and Past Presidents

Room: Grand Ballroom, Salons III/IV (B Level)

12:00noon - 1:15pm

Luncheon for NSA Executive Committee, Board of Directors and Past Presidents and Committee of State Sheriffs' Associations

6:00pm - 8:00pm

NSA President's Reception

Hosted by NSA President, Sheriff (Ret.) John Layton, Marion Co., IN

Room: Penn Ave. Terrace (L Level)

EXHIBIT B

Draft Talking Points Prepared for ICE Acting Director Ronald D. Vitiello
National Sheriff's Association 2019 Winter Conference
Immigration and Border Security Committee Meeting
JW Marriott Hotel, Washington, DC
February 11, 2019
9 AM

Version 2, modified 2/6/19, 1,136 words (~10 minutes)

(b)(5)

Page 106

Withheld pursuant to exemption(s)

WIF Draft;(b)(5)

of the Freedom of Information Act

Page 107

Withheld pursuant to exemption(s)

WIF Draft;(b)(5)

of the Freedom of Information Act

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Withheld pursuant to exemption(s)

WIF Draft;(b)(5)

of the Freedom of Information Act

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Withheld pursuant to exemption(s)

WIF Draft;(b)(5)

of the Freedom of Information Act

Page 110

Withheld pursuant to exemption(s)

WIF Draft;(b)(5)

of the Freedom of Information Act

EXHIBIT C

Daniel McFadden

From: ice-foia@dhs.gov
Sent: Friday, March 15, 2019 12:54 PM
To: Daniel McFadden
Subject: ICE FOIA Request 2019-ICFO-30758

March 15, 2019

Dan McFadden
American Civil Liberties Union of Massachusetts
211 Congress Street
Boston, MA 02110

RE: ICE FOIA Case Number 2019-ICFO-30758

Dear McFadden:

This acknowledges receipt of your February 22, 2019, Freedom of Information Act (FOIA) request to U.S. Immigration and Customs Enforcement (ICE), for on or about February 10, 2019, U.S. Immigration and Customs Enforcement ("ICE") Senior Official Performing the Duties of the Deputy Director Matthew T. Albence delivered an address to participants in the National Sheriffs' Association conference in Washington, D.C. (the "Address"). See Ex. A (screenshot from Twitter account of Bristol County Sheriff's Office). The topic of the Address was reportedly "Immigration Updates." Ex. B. (conference agenda). ACLUM requests the following records: 1. Records containing some or all of the Address, including without limitation any prepared remarks, notes, and outlines, and any drafts thereof. 2. Any slides, powerpoint presentations, and handouts presented or provided in connection with the Address, and any drafts thereof. 3. Any audio and/or visual recordings of the Address. 4. Correspondence, including email correspondence, between or among ICE personnel (including Mr. Albence and his staff) and representatives of the Freedom of Information Act Office February 22, 2019 National Sheriff's Association concerning the planning, delivery, and/or content of the Address. 5. Correspondence, including email correspondence, between or among ICE personnel (including Mr. Albence and his staff) and any employees or officers of the Commonwealth of Massachusetts (including any Massachusetts Sheriff and/or the employees of any Massachusetts Sheriff's Department) concerning the planning, delivery, and/or content of the Address.. Your request was received in this office on March 15, 2019.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the DHS FOIA regulations, 6 C.F.R. Part 5, ICE processes FOIA requests according to their order of receipt. Although ICE's goal is to respond within 20 business days of receipt of your request, the FOIA does permit a 10- day extension of this time period. As your request seeks numerous documents that will necessitate a thorough and wide-ranging search, ICE will invoke a 10-day extension for your request, as allowed by Title 5 U.S.C. § 552(a)(6)(B). If you care to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS Interim FOIA regulations as they apply to commercial requesters. As a commercial requester, you will be charged 10 cents per page for duplication, and for search and review time at the per quarter-hour rate (\$4.00 for clerical personnel, \$7.00 for professional personnel, \$10.25 for managerial personnel) of the searcher and reviewer. We will construe the submission of your request as an agreement to pay up to \$25.00. You will be contacted before any further fees are accrued.

We have queried the appropriate program offices within ICE for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2019-ICFO-30758**. Please refer to this identifier in any future correspondence. To check the status of an ICE FOIA/PA request, please visit <http://www.dhs.gov/foia-status>. Please note that to check the status of a request, you must enter the 2019-ICFO-XXXXX tracking number. If you need any further assistance or would like to discuss any aspect of your request, please contact the FOIA office. You may send an e-mail to ice-foia@ice.dhs.gov, call toll free (866) 633-1182, or you may contact our FOIA Public Liaison, Fernando Pineiro, in the same manner. Additionally, you have a right to right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Regards,

ICE FOIA Office
Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009
Telephone: 1-866-633-1182
Visit our FOIA website at www.ice.gov/foia

EXHIBIT D

Daniel McFadden

From: Daniel McFadden
Sent: Thursday, May 16, 2019 6:54 PM
To: 'ice-foia@dhs.gov'
Subject: FOIA Request
Attachments: 5 16 19 FOIA.pdf

To whom it may concern,

Please see the attached FOIA request.

Regards,
Dan McFadden

Dan McFadden

Pronouns: he, him, his

Staff Attorney
American Civil Liberties Union Foundation of Massachusetts
211 Congress Street, Boston, MA 02110
617.482.3170 x171 | dmcfadden@aclum.org
aclum.org





Massachusetts

Daniel L. McFadden
Staff Attorney
(617) 482-3170 ext. 171
dmcfadden@aclum.org

May 16, 2019

Via Electronic Mail

Freedom of Information Act Office
U.S. Immigration and Customs Enforcement
500 12th Street, SW, Stop 5009
Washington, D.C. 20536-5009
ice-foia@dhs.gov

Re: FOIA Request

To whom it may concern:

This letter constitutes a request pursuant to the Freedom of Information Act (the “FOIA”), 5 U.S.C. § 552. The Request is submitted on behalf of the American Civil Liberties Union of Massachusetts (the “ACLUM”).

On or about February 11, 2019, U.S. Immigration and Customs Enforcement (“ICE”) Acting Director Ronald D. Vitiello delivered an address to participants in the National Sheriffs’ Association conference in Washington, D.C. (the “Address”).

ACLUM requests the following records:

1. Records containing some or all of the Address, including without limitation any prepared remarks, notes, talking points, and outlines, and any drafts thereof.
2. Any slides, powerpoint presentations, and handouts presented or provided in connection with the Address, and any drafts thereof.
3. Any audio and/or visual recordings of the Address.
4. Correspondence, including email correspondence, between or among ICE personnel (including Mr. Vitiello and his staff) and representatives of the National Sheriff’s Association concerning the planning, delivery, and/or content of the Address.

Freedom of Information Act Office
May 16, 2019

5. Correspondence, including email correspondence, between or among ICE personnel (including Mr. Vitiello and his staff) and any employees or officers of the Commonwealth of Massachusetts (including any Massachusetts Sheriff and/or the employees of any Massachusetts Sheriff's Department) concerning the planning, delivery, and/or content of the Address.

If this request is denied in whole or part, we ask that you justify all deletions by reference to specific exemptions of the FOIA. Please release all segregable portions of otherwise exempt material.

We request a fee waiver. ACLUM is a not-for-profit, non-partisan organization dedicated to the principles of liberty and equality. As the Massachusetts affiliate of the national ACLU, a not-for-profit, non-partisan organization, ACLUM distributes information both within and outside of Massachusetts. Gathering and disseminating current information to the public is a critical and substantial component of ACLUM's mission and work. ACLUM publishes newsletters, news briefings, reports and other printed materials that are disseminated to the public. These materials are widely available to everyone, including tax-exempt organizations, not-for-profit groups, law students and faculty, at no cost. ACLUM also disseminates information through its website¹ and regular posts on social media sites such as Facebook and Twitter. Accordingly, ACLUM is a representative of the news media. *See 5 U.S.C. § 552(a)(4)(A)(ii)(II); Nat's Security Archive v. Dep't of Defense*, 880 F.2d 1381, 1387 (D.C. Cir 1989).

In addition, ACLUM is entitled to a waiver or reduction of fees because disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, and disclosure of the information is not primarily in the commercial interest of the requester. *See 5 U.S.C. § 552(a)(4)(A)(iii)*. The public is keenly interested in understanding the scope, nature, cost, and efficacy of DHS's immigration policies and operations, which have been widely publicized, including frequently by the President himself.

We reserve the right to appeal a decision to withhold any information or to deny a waiver of fees. Please provide documents in digital form wherever possible.

We look forward to your reply to the Request within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(i).

Thank you for your prompt attention to this matter.

¹ www.aclum.org

Sincerely,

/s/ Daniel L. McFadden

Daniel L. McFadden